

Michigan Judges Association

Founded 1927

January 30, 2007

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Chief Justice Clifford W. Taylor
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

RE: ADM file 2006-33 Proposed Amendment of Rule 2.116 of the
Michigan Court Rules
ADM File 2006-29 Proposed Amendment of Rule 3.411 of the
Michigan Court Rules
ADM File 2006-03 Proposed Amendment of Rule 6.106 of the
Michigan Court Rules
ADM File 2006-35 Proposed Amendment of Rule 6.445 of the
Michigan Court Rules

Dear Chief Justice Taylor:

At the January 23, 2007 meeting of the Michigan Judges Association, the Rules Committee and the Executive Board considered the above-referenced proposed amendments.

As to ADM file no. 2006-33 proposed amendment of rule 2.116 of the Michigan Court Rules, we support the proposed changes. We believe that the additions make sense, are consistent with the present law, and give the court discretion.

As to ADM file no. 2006-29 proposed amendment of rule 3.411 of the Michigan Court Rules, we oppose the proposed amendments, as we feel that they are unnecessary and already covered by applicable case law.

As to ADM file no. 2006-03 proposed amendment of rule 6.106 of the Michigan Court Rules, we support the proposed amendments. Removing violation of conditions of bond from the responsibility or liability of the surety is appropriate. Bondsmen should only be required to pay for the defendant's failure to appear. Also, not making the surety responsible for costs of court proceedings is consistent with the present law.

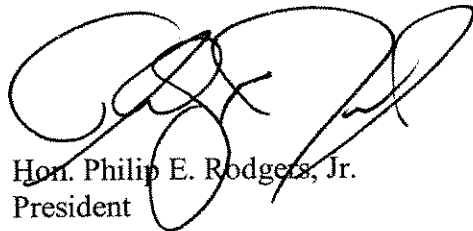
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As to ADM file no. 2006-35 proposed amendment of rule 6.445 of the Michigan Court Rules, we support the amendment, changing "knowingly" to "accurately" since it makes it consistent with MCR 6.302, which pertains to the requirements for pleas of guilty and nolo contendere to criminal offenses.

We thank the Court for considering our input on these matters. If the Michigan Judges Association may provide any further information or assistance, we stand ready to assist the Court.

Sincerely,

MICHIGAN JUDGES ASSOCIATION

A handwritten signature in black ink, appearing to read "P. Rodgers, Jr.", with a large, stylized flourish at the end.

Hon. Philip E. Rodgers, Jr.
President

pc: Corbin R. Davis, Clerk of the Michigan Supreme Court
Hon. Stephen D. Gorsalitz, Rules Committee Chairperson
Hon. Fred L. Borchard, Secretary, Michigan Judges Association
Anne Boomer, Administrative Counsel